

# EXHIBIT D

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September 12, 2021

Epic Games, Inc. v. Apple Inc., No. 4:20-cv-05640-YGR-TSH (N.D. Cal.)

Dear Mark:

I write on behalf of Epic to follow up on my letters of August 31, 2021 and September 9, 2021 requesting the reinstatement of Epic's '84 Account in the Apple Developer Program. In those letters, Epic requested the reinstatement of its '84 Account based on the passage of over one year's time and the recent adoption of Korean legislation requiring "app market businesses" to allow alternate payment methods.

We have received no direct communication from Apple regarding the '84 Account. We have, however, received communication on the '84 Account from Apple via public statement on September 9, 2021. Specifically, Apple stated "As we've said all along, we would welcome Epic's return to the App Store if they agree to play by the same rules as everyone else", and Apple also reportedly said "that to be added back to the App Store, Epic Games would need to comply with all of Apple's App Store review guidelines, which the company has thus far declined to do." (See <https://www.macrumors.com/2021/09/09/epic-games-fortnite-south-korea>.)

Epic agrees to Apple's requirements to return to the App Store: Epic agrees to play by the same rules as everyone else and Epic agrees to comply with all of Apple's App Store review guidelines. Please note, we have turned off Epic Direct Pay in the legacy instances of *Fortnite* still active on devices in the iOS ecosystem. Epic is currently calculating the amount owed for transactions through Epic Direct Pay and will be remitting payment with interest by September 17, 2021.

Please immediately restore Epic's '84 Account or provide Epic Games with a new

account for purposes of distributing its games, including *Fortnite*.

Sincerely,

/s/ Gary A. Bornstein

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